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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,993	05/23/2005	Yong-Nyun Kim	Q86186	2852
23373	7590	06/20/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			SMITH, PAUL B	
			ART UNIT	PAPER NUMBER
			3763	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/523,993	<b>Applicant(s)</b> KIM, YONG-NYUN	
	<b>Examiner</b> Paul B. Smith	<b>Art Unit</b> 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/9/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/9/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/KR03/01580, filed on 8/6/2003.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 3/25/2005 and 2/9/2005 are acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner considers the references cited therein.

### ***Specification***

3. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Claim Objections***

4. Claim 6 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). It would be preferable to read "as claimed in any one of claims 1 to 5."

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,5,6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Knighton ('244).

7. As to claim 1, Knighton discloses a device comprising a passage (24), a liquid absorption member (26), and a filter (28). (See Figure 1)

8. As to claim 5, Knighton teaches a filter composed of polyvinylidene fluoride. (See Column 3 Line 50-55)

9. As to claim 6, Knighton discloses a main body (not referenced), an outer wall (not referenced), a connection projection (34) and a closure (36). (See Figure 1)

10. As to claim 7, Knighton teaches positioning the liquid absorption member between the outer wall and the inward extension of the connection projection. (See Figure 1)

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11. As to claim 8, Knighton an extension (32) that isolates the absorption member and the filter from each other. (See Figure 1)

12. As to claim 9, Knighton further discloses a system comprising a liquid medicine reservoir (50), a pressure device (58), a tube (51) and a cap (42). (See Figure 2)

13. Thus, Knighton appears to reasonably teach every element of claims 1, 5, 6, 7, 8 and 9.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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16. Claims 2, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knighton ('244) in view of Riely *et al.* ('654).

17. Knighton discloses a device comprising a passage (24), a liquid absorption member (26), and a filter (28). (See Figure 1)

18. Knighton fails to disclose a liquid absorption member that surrounds the passage. Further, Knighton fails to teach a liquid absorption member composed of either a sponge material or fiber material.

19. Riely *et al.* teaches a cylindrical liquid absorption member (34) suited to be placed in a passage. (See Figure 3) Further, the liquid absorption member is taught to be composed of a sponge material or a fiber material. (See Column 3 Line 20-40)

20. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Knighton with the teachings of Riely *et al.* to provide a device with a cylindrical liquid absorption member composed of either a sponge or fiber material.

21. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knighton ('244) in view Jansen *et al.* ('935).

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22. Knighton further discloses a system comprising a liquid medicine reservoir (50), a pressure device (58), a tube (51) and a cap (42). Knighton discloses a cap comprising a passage (24), a liquid absorption member (26), and a filter (28). (See Figure 1 and 2)

23. Knighton fails to disclose a flow control device that includes a member that is connected to the cap and removed upon supplying the liquid medicine.

24. Jansen *et al.* discloses a flow control device (26) adapted to be placed over a tip to prevent liquid flow. (See Figure 1)

25. It would have been obvious at the time of the invention by one of ordinary skill in the art to combine the disclosure of Knighton with the disclosure of Jansen *et al.* to provide a flow control device that is removable prior to supplying liquid medicine.

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Patent 6,503,225 to Kirsch *et al.*
- b. U.S. Patent 6,013,061 to Kelley
- c. U.S. Patent 5,779,674 to Ford

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27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul B. Smith whose telephone number is 571-272-6022. The examiner can normally be reached on 8 am - 4 pm.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul B Smith  
Examiner  
Art Unit 3763

PBS  
May 4, 2006

  
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